

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:09-CR-256-1BO

CHAD EVANS,
Petitioner,

v.

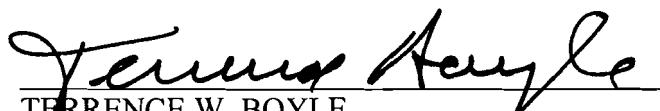
UNITED STATES,
Respondent.

ORDER

This matter is before the Court on Petitioner's Motion to Amend (DE # 26). Petitioner's Motion challenges the constitutionality of his sentence entered on February 25, 2010. Although Petitioner seeks an order from the Court to amend his allegedly "pending petition for writ of certiorari," there is no indication that Petitioner ever appealed his sentence to any court.

Thus, notice is hereby given to the Petitioner that the Court intends to construe Petitioner's Motion as a Motion to Vacate, Set Aside or Correct a Sentence pursuant to 28 U.S.C. § 2255, pursuant to Castro v. United States, 540 U.S. 375, 377, 383 (2003). The Court warns the Petitioner of the effects of filing a motion pursuant to § 2255 and advises him as to the requirements of § 2255. If the Petitioner does not wish his Motion to be construed as a § 2255 motion, the Petitioner must withdraw or sufficiently amend this Motion within sixty (60) days of this Order's entry.

SO ORDERED, this 9 day of May, 2011.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE